

DEC 2 1964

2 Sides Sum Up in Spy Trial; Jersey Jury to Get Case Today

Special to The New York Times

NEWARK, Dec. 1—The eight-week trial of John W. Butenko and Igor Ivanov, the two men accused of conspiring to betray defense secrets to the Soviet Union, moved quickly toward its close today as Government and defense lawyers summed up their cases.

The jury of eight women and four men in Federal District Court here will begin their deliberations tomorrow.

Today the jury heard the summation of Raymond A. Brown, a lawyer for Butenko, the 39-year-old electronics engineer who had top-secret clearance in his job with the International Telephone and Telegraph Corporation. Mr. Brown depicted the Federal Bureau of Investigation, the United States Air Force and the Department of Justice as an overpowering combination of force that "has to be stopped."

Lack of Proof Charged

Mr. Brown told the court that the Government had failed to prove its charge that Butenko and Ivanov, the Soviet citizen being tried with him, and three expelled Soviet diplomats had plotted to pass Strategic Air Command secrets to Moscow.

"This man is innocent, whether you like the Soviet Union or not," Mr. Brown told the jury.

"I resent the Flag being waved in my face; the Flag should be above us," he told the jury.

"This machine is put together with money — nothing but money," Mr. Brown said of the accusers of Butenko.

"This is not a nation of soldiers, the F.B.I. is not infallible.

This machine is devouring the taxpayers, and it is supposed to be the servant of the people."

Rise to Success Noted

He described Butenko as the product of a Horatio Alger story, in which he rose from the underprivileged position of a child of immigrant parents to one of responsibility and trust and professional competence.

Samuel A. Larner, attorney for Ivanov, the Russian driver for Amtorg who was arrested with Butenko on Oct. 29, 1963, in Englewood, N. J., said his client was "a little man" who was not trained to spy.

"He's a Russian, and that's a dirty word in this case," Mr. Larner said, asking the jury to acquit Ivanov.

In his summation, Sanford M. Jaffe, assistant United States attorney, said the Government had proved its case.

Mr. Jaffe triggered a flurry of excitement in the courtroom when he said, "This is no Alger Hiss story."

Mr. Brown leaped to his feet and demanded a mistrial on the ground that the reference to the convicted perjurer would be inflammatory to the jury.

Mr. Jaffe corrected himself, saying: "I'm sorry, That was a slip of the tongue." He said he means to say "Horatio Alger."

"I believe it was a slip of the tongue," said Judge Anthony T. Augelli.

The judge made no comment on Mr. Brown's demand for a mistrial on the point and Mr. Jaffe continued his summation.